

United States Bankruptcy Court
Northern District of Illinois

In Re W.A.V.E TRANSPORTATION, INC.

) Case No. 20-02081

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) Chapter 7

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Address 4398 Jonathan Swift Rd., Elgin, IL 60124

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Last four digits of Social Security or Individual Tax-payer Identification
(TIN) No(s). (if any)

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Employers Tax Identification (EIN) No(s). (if any) 4416

NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

BMO HARRIS BANK N.A. has filed papers with the court to obtain Relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant Relief from Stay, or if you want the court to consider your views on the motion then you or your attorney must:

Attend the hearing scheduled to be held on March 27, 2020, at 11:00 a.m., or as soon thereafter as counsel may be heard before the Honorable Judge Janet S. Baer at:

100 S. Third Street, Geneva, IL 60134, Courtroom 240

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 11, 2020

/s/Monette W. Cope
Monette W. Cope ,
180 N. La Salle Street
Chicago, IL 60601
Phone: 216-635-5827
Fax: 312-782-4201
ARDC #6198913

Certificate of Service

I hereby certify that on 11th day of March, 2020 a copy of the Notice of Motion and Motion was served on the following registered ECF Participants, **electronically** through the court's ECF System at the email address registered with the court:

David M. Siegel, Attorney for Debtor at davidsiegelbk@gmail.com

Frank J Kokoszka, Chapter 7 Trustee at davidsiegelbk@gmail.com

Patrick S Layng, U.S. TRUSTEE at USTPRegion11.ES.ECF@usdoj.gov

and on the following by **ordinary U.S. Mail** addressed to:

W.A.V.E Transportation, Inc.
4398 Jonathan Swift Rd.
Elgin, IL 60124

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: /s/ Nicole M. Perichak
Nicole M. Perichak, Legal Assistant

WELTMAN# 040570331

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)

In Re: W.A.V.E TRANSPORTATION, INC.

Debtor,

Case No. 20-02081
Chapter 7
Hon. Janet S. Baer

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES, BMO HARRIS BANK N.A., by and through its attorneys, Weltman, Weinberg & Reis Co. L.P.A., and states the following as its Motion for Relief from Automatic Stay:

1. This action is commenced pursuant to 11 U.S.C. § 361, 362, 363 and other Sections of Title 11 of the Bankruptcy Code.

2. Debtor, W.A.V.E TRANSPORTATION, INC., filed a petition under 11 U.S.C., Chapter 7, on January 24, 2020.

3. Pursuant to the provisions of 11 U.S.C. § 362(a), the filing of the Debtor's petition operates as an automatic stay against BMO HARRIS BANK N.A.'s rights as a secured creditor to proceed against Debtor and his or her property.

4. On February 15, 2019, the Debtor herein did execute and deliver to the Movant a certain Retail Installment Contract in the amount of \$30,199.00 (Exhibit A), secured by a lien encumbering the following: 2019 Vanguard Dry Van, Motor Vehicle Serial 5V8VA5323KM906035 (Exhibit B).

5. As of February 7, 2020, there remains due and owing on the Retail Installment Contract referenced in paragraph four hereof, the sum of \$27,908.41 plus interest.

6. The property is valued at \$21,250.00 according to the Black Book Value (Exhibit C) and encumbered by other liens in the amount of \$0.00 according to debtor's schedule.

7. Creditor has not been adequately protected by periodic payments or otherwise since the filing of the Debtors' petition and there are arrearages of \$1,305.00 as of February 7, 2020, for the months of December 1, 2019 through January 1, 2020, plus late charges, in the

amount of \$97.89.

8. Debtor has failed to file a Statement of Intention as to Movant's collateral.

9. Creditor believes there is no equity in the 2019 Vanguard Dry Vans and that it is of inconsequential value and benefit to the estate.

10. Creditor further believes that it lacks adequate protection because it has not been provided with insurance information on its collateral.

11. Continuation of the automatic stay will work real and irreparable harm to BMO HARRIS BANK N.A. and will deprive it of the adequate protection to which it is entitled.

12. BMO HARRIS BANK N.A. is entitled to relief from stay to recover possession of the property and liquidate its security interest.

13. BMO HARRIS BANK N.A. specifically requests that the fourteen-day stay pursuant to Rule 4001(a)(3) prior to enforcement of the order requested herein be waived; such grace period is designed solely for appeal purposes, and an appeal in this matter would be frivolous and without merit.

WHEREFORE, BMO HARRIS BANK N.A. prays this honorable Court Order that the automatic stay be lifted so as to permit BMO HARRIS BANK N.A. to proceed to enforce its security interest in the property.

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., L.P.A.

Date: March 11, 2020

By: /s/ Monette Cope

Monette Cope
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ARDC #6198913
Attorney for Creditor
BMO HARRIS BANK N.A.